IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.27072 of 2006

Dated: January 05, 2007

Between:

Hussain Jaffer, S/o. Badruddin, aged about 34 years, Working as EP Operator, OCP-2, RG.4 Area, Singareni Collieries Company Ltd., Godavarikhani, Karimnagar District.

... Petitioner

And

The Singareni Collieries Co. Ltd., rep. by its Addl. General Manager (P)/Corporate, Kothagudem, Khammam District, and another.

... Respondents

Order:

The petitioner, a Pump Operator in Singareni Collieries Company Limited, has filed this Writ Petition seeking Mandamus to declare the order dated 17-12-2006 passed by the first respondent as illegal and arbitrary and a consequential direction to the respondents to continue him at OCP-II, Godavarikhani.

2. Petitioner, who was initially appointed in the first respondent-company in the year 1997, had worked at different places and has been working at OCP-II in Godavarkhani from December, 2002. It is stated that basing on a complaint made by the petitioner's uncle, the Vigilance Department of the company has recommended his transfer from Godavarikhani to Kothagudem. Basing on such recommendation, the petitioner was transferred from Godavarikhani to Kothagudem by the impugned order.

3. The impugned order is mainly questioned on the ground that though it is stated in the impugned order that the transfer of the petitioner has been effected only on administrative grounds, the same has been passed basing on a complaint made against the petitioner.

4. Heard learned counsel for the petitioner and the learned Standing Counsel appearing on behalf of the respondents.

5. I have perused the record produced by the learned Standing Counsel.

6. It is to be noted that certain complaints were made against the petitioner to the effect that that he owns lorries, which he uses for transporting coal from the company illegally. Basing on the complaints that he pilfers company's diesel, grease and other oils, the Vigilance Department of the company recommended transfer of the petitioner from Godavarikhani to Kothagudem. Accordingly, the impugned order was passed transferring him from Godavarihani to Kothagudem on administrative grounds.

7. As much as there is no reference to any complaint in the impugned order, it was always open for the management to have

passed the impugned order of transfer on administrative grounds. There is no stigma cast on the petitioner in the impugned order of transfer; hence it cannot be said to be illegal. It is a simple order of transfer on administrative grounds. Hence, there are no grounds to interfere with the same.

8. The Writ Petition is devoid of merits and is accordingly dismissed. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

January 05, 2007
MRR